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ABSTRACT

This brief guide discusses ways to provide safe instruction and to minimize the risk of injury and potential liability in a laboratory environment. The three main concerns covered are: (1) the physical plant must be in compliance with the Occupational Safety and Health Administration (OSHA); (2) the physical facility should have all tools in good working condition and have written records of maintenance and inspection activities; and (3) the instructional program should present curriculum and lessons that are current and relevant to present-day industrial practices and standards. (EM)

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INSTRUCTOR LIABILITY -- A CONTINUING DILEMMA

by Thomas L. McDole, Ph.D.

INSTRUCTOR LIABILITY -- A CONTINUING DILEMMA

Summary of a Special Interest Session presentation given to the American Industrial Arts Association Annual Meeting, Milwaukee, Wisconsin, April 22, 1983.

Presented by Thomas L. McDole, Ph.D., Assistant Professor, Department of Business and Industrial Education, Eastern Michigan University.

For teachers of laboratory subjects, a dilemma exists -- that is to provide for safe learning in a hostile environment. Learning must be maximized while using tools, materials and processes which are potentially dangerous. Failure of the teacher to provide for safe learning conditions exposes the students to the risk of physical harm and the teacher to potential liability. If the teacher is negligent in providing safe working/learning environment i.e. the laboratory, an injured student can sue for damages.

There are ways to provide for safe instruction and minimize the risk of injury (and subsequent liability).

Liability, the responsibility for damages, emanates from three basic sources in the laboratory: (1) the Physical Plant; (2) the Physical Facility and (3) the Instructional Program. Failure to maintain contemporary standards in any of these areas is considered negligence and creates conditions which may cause an accident. The best way to prevent such a situation is to build up a strong defense using good teaching and laboratory management practices before an accident occurs. The steps to a safe operation are as follows:

1. Inspect the Physical Plant (the room) to insure that it is in compliance with OSHA standards (Occupational Health and Safety Standards, U.S. Department of Labor). Continued maintenance is necessary to maintain the Physical Plant in good repair.

2. In the Physical Facility use only tools/materials/processes which reflect state-of-the-art practices. Maintain all tools in good working order and keep written records of maintenance and inspection activities. Be sure that repairs are performed by qualified persons only using manufacturer recommended parts and procedures. (The teacher may not be considered qualified, no matter how "handy".) Only school approved, commercial/industrial quality tools should be used. Caution is advised on using "teacher made" or instructor-owned tools for instructional purposes.

   Steps must be taken to prevent unauthorized use of tools. Tools must be stored under lock and key and all power (including power to stationary machines) locked off to prevent unauthorized use. Use contemporary safety practices in the use and storage (under lock and key) of hazardous materials. Follow OSHA guidelines in this area.

   Housekeeping is also important. A clean laboratory is a safer laboratory. Is the room clean and attractive? See that all materials are properly stored. Is adequate ventilation maintained?

3. The Instructional Program should reflect the state-of-the-art practices. Curriculum and lessons should be contemporary and the content relevant to modern industrial practices and standards. Teaching out-moded skills leaves the instructor open to challenge on other aspects of the laboratory operation, as well as doing a disservice to the students and their education.

Written safety procedures must be used and the instructional program must include planned lessons or topics on safety, including specific instructions on power tools. Signed safety rules help insure that the student is aware of them, but such a procedure does not relieve the instructor of the responsibility for safety.

Accidents will happen, even in the best of laboratories. Is first aid readily available and is the instructor qualified in basic life support (control of bleeding and CPR) until help arrives? Following an accident, a written report must be made. Never trust anything to memory.

Lastly -- are you, the instructor, truly qualified to teach the subject? A qualified instructor best knows the dangers involved and can provide proper supervision and instruction for a safe program.

This may seem like a tall order to fill -- and it is. Will the dilemma continue or can revisions in the way things are done be made to improve the situation? Do you wait until "something happens" to make changes, or should changes be made now? The answer resides with you, the instructor, to continue the dilemma or help solve it.

For further reading on the subject:

Kigin, Dennis J. Teacher Liability in School-Shop Accidents. Ann Arbor: Prakken Publications, 1973.